

4525. **Adulteration and misbranding of cognac. U. S. v. Adolf Prince et al. (formerly Adolf Prince Co.). Plea of guilty. Fine, \$50.** (F. & D. No. 6699. I. S. No. 21542-h.)

On October 13, 1915, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Adolf Prince and Leonard Prince, heretofore officers and members of the Adolf Prince Co., formerly a corporation, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, on June 19, 1914, from the State of New York into the State of Pennsylvania, of a quantity of cognac, which was adulterated and misbranded. The article was labeled: (On cap) (design coat of arms) "Cognac." (design three stars.) (Shoulder label) Design of three stars. (Principal label) "Trade Mark" (design coat of arms) "Fine Brandy Cognac Type Tissot Frères Brand" (design grape vine with bunches of grapes) "Guaranteed under the Pure Food & Drugs Act June 30th, 1906. U. S. Serial No. 2496."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100° proof alcohol, unless otherwise stated:

Proof (degrees) .....	80.1
Total acids, as acetic.....	8.2
Esters, as acetic.....	6.6
Fusel oil .....	7.1

Paraldehyde test for caramel: Positive.

Sample consists wholly or largely of neutral spirits colored in imitation of brandy, but very little if any brandy is present.

Adulteration of the article was alleged in the information for the reason that a product of domestic origin, to wit, neutral spirits, colored in imitation of brandy, had been mixed and packed with the article so as to reduce, lower, and injuriously affect its quality or strength, and had been substituted in whole or in part for cognac, which the article purported to be. Adulteration was alleged for the further reason that the article by its label purported to be a brandy of cognac type, that is, a brandy of the type produced in the Cognac district of France, whereas, in truth and in fact, it was an imitation product of domestic origin, artificially colored and consisting largely of neutral spirits, which had been substituted in whole or in part for "Brandy, cognac type", which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "cognac", borne on the cap attached to the bottle, regarding the article and the ingredients and substances contained therein, was false and misleading in that it indicated, and was such as to deceive and mislead the purchaser into the belief, that the article was cognac, a brandy produced in the Cognac district of France, whereas, in truth and in fact, it was not, but was an imitation product of domestic origin, consisting in whole or in part of neutral spirits, colored in imitation of brandy. Misbranding was alleged for the further reason that the statement, to wit, "Fine brandy cognac type", regarding the article and the ingredients and substances contained therein, and the design of three stars borne on the neck of the bottle, were false and misleading in that they indicated, and were such as to deceive and mislead the purchaser into the belief, that the article was a foreign brandy of the type produced in the Cognac district of France, whereas, in truth and in fact, it was not, but was an imitation product consisting largely of neutral spirits, colored in imitation of brandy.

On October 21, 1915, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

CARL VROOMAN, *Acting Secretary of Agriculture.*